EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AZURITY PHARMACEUTICALS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1286 (MSG)
	)	C.A. No. 21-1455 (MSG)
BIONPHARMA INC.,	)	
	)	
Defendant.	)	

PLAINTIFF AZURITY PHARMACEUTICALS, INC.'S
SECOND SUPPLEMENTAL INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Azurity Pharmaceuticals, Inc. ("Azurity"), by and through its attorneys, makes the following supplemental initial disclosures to Defendant Bionpharma Inc. ("Bionpharma").

Azurity makes these supplemental initial disclosures based upon its current knowledge, information, and belief concerning matters upon which disclosure is required. Such disclosure is based on information reasonably available to Azurity as of the date hereof, which is not necessarily exhaustive of what may be determined as discovery begins and progresses. Azurity therefore reserves the right to supplement, amend, and modify its disclosures, including based on information developed in the course of this lawsuit through discovery or additional factual investigation.

Azurity's disclosures represent a good faith effort to identify information, which it is aware of as of this date, that Azurity reasonably believes may be used to support its claims and defenses. By making these supplemental initial disclosures, Azurity does not represent that it is identifying every document or identifying every tangible thing or witness possibly relevant to this action. Nor does Azurity waive its right to object: (a) to the production of any document or tangible thing disclosed on the basis of privilege, work product immunity, relevancy, competency, materiality,

hearsay, undue burden, or any other proper ground for objection; (b) to the use of any such information, for any purpose, in whole or in part, in any proceeding in this action or any other action; (c) on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these supplemental initial disclosures in this action or any other action. In addition, these disclosures are made without waiver of, or prejudice to, any objections that Azurity may have regarding the subject matter of these disclosures or any documents or individuals identified herein.

Subject to and without waiving any of the aforementioned rights, and based on Azurity's current knowledge and belief, Azurity makes the following disclosures:

I. FED. R. CIV. P. 26(a)(1)(A)(i)

The following individuals are likely to have discoverable information that Azurity may use in support of its claims or defenses. These individuals identified below may be contacted only through Azurity's counsel, Wilson Sonsini Goodrich & Rosati, P.C. ("WSGR"), One Market Plaza, Spear Tower, Suite 3300, San Francisco California 94105.

Name / Contact Information	Subject Matter
Gerold L. Mosher Contact through counsel of record at WSGR	Research and development of Epaned®; subject matter of U.S. Patent Nos. 11,040,023 (the "'023 patent"); 11,141,405 (the "'405 patent").
David W. Miles Contact through counsel of record at WSGR	Research and development of Epaned®; subject matter of the '023 and '405 patents.
Michael Beckloff Contact through counsel of record at WSGR	Research and development of Epaned®; preparation and submission of New Drug Application ("NDA") No. 208686.

Name / Contact Information	Subject Matter
Amit Patel Contact through counsel of record at WSGR	Financial information related to the sale of Epaned®; objective indicia of nonobviousness; financial and non-financial harm to Azurity due to Bionpharma's infringement; Azurity's ability to meet market demand for Epaned®; factual information relating to Azurity's damages caused by Bionpharma's infringement; factual information related to Azurity's entitlement to an injunction.

The following additional individuals and/or entities are likely to have discoverable information that Azurity may use to support its claims or defenses:

Name / Contact Information	Subject Matter
Bionpharma Inc. 600 Alexander Rd., #2-4B, Princeton, NJ 08540	Bionpharma's witnesses, employees, and/or agents, whose identities are presently unknown to Azurity, who are knowledgeable about Bionpharma's infringing activities and defenses.

Other persons or entities whose names appear in documents described in Section II below may also be likely to have discoverable information. Azurity anticipates that additional witnesses may be located or identified during the course of discovery in this action.

II. FED. R. CIV. P. 26(a)(1)(A)(ii)

Based on information reasonably available at this time, at least the following categories of documents, data compilations, electronically stored information, and tangible things may be used by Azurity to support its claims or defenses (excluding documents that may be solely used for impeachment).

Document	Custodian
The '023 and '405 patents, their file histories, cited references, related patent applications, and any applications or patents from which they claim priority.	Azurity
Documents relating to the assignment, licensing of, and ownership of the '023 and '405 patents.	Azurity and/or third parties
Documents relating to the filing of NDA No. 208686 including amendments and supplements, and related clinical studies	Azurity

Document	Custodian
Documents relating to the discovery, research, development, and commercialization of Epaned® (enalapril maleate) Oral Solution, 1 mg/mL	Azurity
Documents relating to the development of the subject matter of the '023 and '405 patents.	Azurity
Documents relating to financial information concerning the sale of Epaned®.	Azurity
Documents relating to the financial and non-financial harm to Azurity due to Bionpharma's infringement.	Azurity
Documents related to Azurity's entitlement to an injunction.	Azurity, Bionpharma, and/or third parties
Documents relating to damages caused by Bionpharma's infringement.	Azurity, Bionpharma, and/or third parties
Documents relating to Bionpharma's Abbreviated New Drug Application ("ANDA") No. 212408	Bionpharma and/or third parties

III. FED. R. CIV. P. 26(a)(1)(A)(iii)

Azurity contends that Bionpharma's infringement has and will imminently inflict irreparable harm upon Azurity for which monetary relief cannot be calculated or is otherwise inadequate, as set forth in Azurity's Order to Show Cause for Temporary Restraining Order, Preliminary Injunction, and Other Emergent Relief and supporting papers (D.I. 25, 52). However, to the extent that Azurity's harm can be calculated, Azurity contends it is entitled to compensation in the amount of its lost profits and/or a reasonable royalty. Azurity's investigation into the full nature and extent of its harm is ongoing, and many of the documents Azurity needs to complete this investigation are in the exclusive possession of Bionpharma and/or third parties and have not yet been produced. Azurity reserves the right to supplement its contentions regarding damages as it learns more information in discovery. In addition, Azurity contends it is entitled to enhanced damages for Bionpharma's willful infringement, prejudgment and post-judgement interests and

costs under 35 U.S.C. § 284, and attorney's fees pursuant to 35 U.S.C. § 285. The amount of those fees and costs is not yet known.

IV. FED. R. CIV. P. 26(a)(1)(A)(iv)

Azurity is not presently aware of any pertinent insurance policies.

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November 22, 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2022, copies of the foregoing were caused to be served upon the following in the manner indicated:

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